


U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: <b>October 19, 2004</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. Application No. (if known) <b>10/511725</b>
INTERNATIONAL APPLICATION NO.: <b>PCT/JP03/04893</b>	INTERNATIONAL FILING DATE: <b>April 17, 2003</b>	PRIORITY DATE CLAIMED: <b>April 19, 2002</b>
TITLE OF INVENTION: <b>COMPOSITION OBTAINED FROM BARLEY <i>SHOCHU</i> STILLAGE AND HAVING ACTIVITY OF INHIBITING ONSET OF ALCOHOLIC HEPATOPATHY AND ACTIVITY OF HEALING IT AS WELL AS EXCELLENT PALATABILITY, AND PROCESS FOR PRODUCING THE SAME</b>		
APPLICANT(S) FOR DO/EO/US: <b>Toshiro OMORI, Naoki TAKESHIMA, Kei HAYASHI and Yasufumi UMEMOTO</b>		
Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>ITEMS 11. TO 20. BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</b>		
<ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 together with the international search report, PTO-1449 with 12 references.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.            ASSIGNEE NAME AND ADDRESS: <u>(1) SANWA SHURUI CO., LTD., Usa-shi, Japan; and</u>  <u>(2) BARLEY FERMENTATION TECHNOLOGIES, INC., Usa-shi, Japan</u>            Please publish the assignee data with the application.         </li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. 1.76</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input type="checkbox"/> Other items or information:</li> </ol>		

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21. <input checked="" type="checkbox"/> The following fees are submitted:				<u>CALCULATIONS</u>	
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5):</b> Search Report has been prepared by the EPO or JPO: .....\$950.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) .....\$750.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$790.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$1110.00  International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$100.00					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$ 950.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$ 130.00</b>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
TOTAL	28 -20 =	8	X \$ 18.00	<b>\$ 144.00</b>	
INDEPENDENT	6 - 3 =	3	X \$ 88.00	<b>\$ 264.00</b>	
Multiple dependent claims(s) (if applicable)			+ \$300.00	<b>\$ 300.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,788.00</b>	
Reduction by 1/2 for filing by small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).					
<b>SUBTOTAL =</b>				<b>\$1,788.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +					
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,788.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 per property +</b>					
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,788.00</b>	
				Amount to be:	
				refunded	\$
				charged	\$

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<p>a. <b>XX</b> A check in the amount of \$1,788.00 to cover the above fees is enclosed. (\$950.00 for basic filing fee; \$144.00 for 8 additional claims; \$264.00 for 3 additional independent claims; \$300.00 for multiple dependent claims and \$130.00 for late filing of the declaration).</p> <p>b. <u>    </u> Please charge my Deposit Account No. 50-2866 in the amount of \$<u>    </u> to cover the above fees. (A duplicate copy of this sheet is enclosed.)</p> <p>c. <b>XX</b> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2866.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.</p>		
Send All Correspondence To:	<b>WESTERMAN, HATTORI, DANIELS &amp; ADRIAN, LLP</b> 1250 Connecticut Avenue, N.W. Suite 700 Washington, D.C. 20036 CUSTOMER No. <b>38834</b>	
Typed or Printed Name: Scott M. Daniels		Reg. No.: 32,562
Signature 		Date: October 19, 2004

SMD/yap